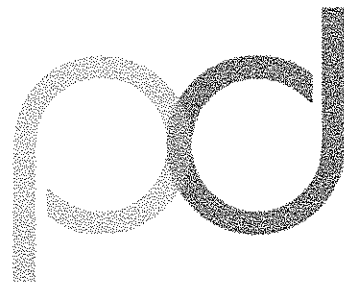


# Exhibit B - Part 1



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**Transcript of James Risen**

**Date:** June 19, 2015

**Case:** Montgomery -v- Risen, et al

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Confidential Videotaped Deposition of James Risen  
Conducted on June 19, 2015

1 (Pages 1 to 4)

<p>1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF FLORIDA 3 4 -----X 5 ) 6 DENNIS MONTGOMERY, ) 7 ) 8 Plaintiff, ) 9 ) Case No.: 10 ) 15-cv-20782 11 ) 12 JAMES RISEN, HOUGHTON MIFFLIN ) 13 HARCOURT PUBLISHING CO., ) 14 HOUGHTON MIFFLIN HARCOURT ) 15 COMPANY, ) 16 ) 17 Defendant. ) 18 ) 19 -----X 20 21 CONFIDENTIAL 22 CONFIDENTIAL TRANSCRIPT 23 Deposition of JAMES RISEN 24 WASHINGTON, D C 25 Friday, June 19, 2015 9:02 a.m. Job No.: 85828 Pages: 1 - 406 Reported by: Donna Marie Lewis, RPR, CSR</p>	<p>3 1 APPEARANCES 2 ON BEHALF OF PLAINTIFF DENNIS MONTGOMERY: 3 LARRY KLAYMAN, ESQUIRE 4 2020 Pennsylvania Avenue, NW 5 Suite 800 6 Washington, DC 20006 7 (310) 595-0800 8 ON BEHALF OF DEFENDANT HOUGHTON MIFFLIN HARCOURT 9 COMPANY: 10 LAURA R. HANDMAN, ESQUIRE 11 DAVIS WRIGHT TREMAINE, LLP 12 1919 Pennsylvania Avenue, NW 13 Suite 800 14 Washington, D C 20006 15 (202) 973-4224 16 17 MICAH RATNER, ESQUIRE 18 DAVIS WRIGHT TREMAINE, LLP 19 1919 Pennsylvania Avenue, NW 20 Suite 800 21 Washington, D C 20006 22 (202) 973-4223 23 ALSO PRESENT: 24 ANTHONY FIELDS, VIDEOGRAPHER 25</p>
<p>2 1 Confidential transcript of deposition of 2 JAMES RISEN, held at the offices of: 3 4 DAVIS WRIGHT TREMAINE, LLP 5 1919 Pennsylvania Avenue NW 6 Suite 800 7 Washington, D C 20006 8 (202) 973-4200 9 10 Pursuant to re-Notice before Donna Marie 11 Lewis, RPR, CSR, Notary Public of and for the District 12 of Columbia. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>4 1 INDEX 2 WITNESS: 3 JAMES RISEN 4 EXAMINATION BY: PAGE 5 By Mr. Klayman 6 6 7 E X H I B I T S 8 EXHIBITS: DESCRIPTION PAGE 9 No. 1 Email 47 10 No. 2 Email dated 9/23/11 99 11 No. 3 Book, Pay Any Price 123 12 No. 4 Playboy Article 124 13 No. 5 Notes 147 14 No. 6 New York Times Article 164 15 No. 7 Email dated 10/5/12 176 16 No. 8 Contract with Houghton Mifflin 191 17 No. 9 Declaration 203 18 No. 10 Amended Complaint 211 19 No. 11 Declaration of Dennis Montgomery 229 20 No. 12 Article from 2011, Bates No. DEFS002587 254 21 No. 13 Bates DEFS002528 thru 2530 312 22 No. 14 Bates DEFS004140 thru 4147 360 23 No. 15 Bates DEFS003992 thru DEFS004003 362 24 No. 16 Bates DEFS000419 thru DEFS000424 363 25 No. 17 Bates DEFS003882 379</p>

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5	<p>1 EXHIBITS</p> <p>2 EXHIBITS: DESCRIPTION PAGE</p> <p>3 No. 18 Email, Bates No. DEFS003229 386</p> <p>4 No. 19 Bates DEFS003212 thru 3213 390</p> <p>5</p> <p>6</p> <p>7</p> <p>8 MARKED PORTIONS</p> <p>9 Page:Line</p> <p>10 44:19, 52:23, 54:24, 64:22, 76:18, 82:1, 90:14, 94:10,</p> <p>11 96:13, 97:12, 120:16, 128:2, 137:24, 138:12, 138:25,</p> <p>12 141:20, 142:20, 144:17, 149:21, 153:3, 157:4, 177:20,</p> <p>13 178:10, 179:19, 187:3, 188:1, 200:20, 206:4, 206:9,</p> <p>14 212:10, 266:8, 266:25, 276:23, 286:9, 286:20, 357:7,</p> <p>15 358:3, 388:14</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	7
6	<p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2 THE VIDEOGRAPHER: Here begins tape number 1</p> <p>3 in the videotape deposition of James Risen in the</p> <p>4 matter of Montgomery versus Risen in United States</p> <p>5 District Court for the Southern District of Florida.</p> <p>6 case number 15-CV-20782. Today's date is June 19,</p> <p>7 2015. The time on the video monitor is 9:03 a.m. The</p> <p>8 videographer today is Anthony Fields representing</p> <p>9 Planet Depos. The video deposition is taking place at</p> <p>10 1919 Pennsylvania Avenue Northwest, Washington, D C</p> <p>11 20006. Would counsel please voice identify themselves</p> <p>12 and state whom they represent.</p> <p>13 MR. KLAYMAN: Larry Klayman for the</p> <p>14 plaintiff, Dennis Montgomery. I'm joined with Dina</p> <p>15 James, chief of staff, paralegal.</p> <p>16 MS. HANDMAN: Laura Handman, Davis Wright</p> <p>17 Tremaine, for the defendants James Risen, Houghton</p> <p>18 Mifflin Publishing Company and Houghton Mifflin</p> <p>19 Harcourt -- sorry, Publishing Company and Houghton</p> <p>20 Mifflin Harcourt Company.</p> <p>21 MR. RATNER: Micah Ratner from Davis Wright</p> <p>22 Tremaine, representing the defendants James Risen and</p> <p>23 also Harcourt Publishing Company, Houghton Mifflin</p> <p>24 Harcourt Company.</p> <p>25 THE VIDEOGRAPHER: The court --</p>	8

1 MR. KLAYMAN: And we --

2 THE VIDEOGRAPHER: Did you want to say

3 something?

4 MR. KLAYMAN: No. Go ahead.

5 THE VIDEOGRAPHER: The court reporter today

6 is Donna Lewis representing Planet Depos. Would the

7 reporter please swear in the witness.

8 Whereupon,

9 JAMES RISEN

10 being first duly sworn or affirmed to testify to the

11 truth, the whole truth and nothing but the truth, was

12 examined and testified as follows:

13 EXAMINATION BY COUNSEL FOR PLAINTIFF

14 MS. HANDMAN: Before we begin I just want to

15 put a few things on the record. Mr. Risen is here

16 pursuant to Magistrate Judge Goodman's order of

17 June 8, 2015 and the Re-Notice of Taking of Deposition

18 Duces Tecum on June 11, and Federal Rule 30(d)(1)

19 which limits the deposition of a party to one day of

20 seven hours absent court order or party agreement. We

21 do not agree to extend the deposition beyond that

22 seven days. I would ask the court reporter to --

23 MR. KLAYMAN: Seven days you said.

24 MS. HANDMAN: Seven hour, sorry. Thank you.

25 Seven hours, one day. And I would ask the court

1 reporter to please note the time and let us know when

2 we reach the seven hour mark which will be the

3 termination of the deposition. I would also note for

4 the record that we have produced documents that were

5 called for pursuant to the notice of deposition and

6 Magistrate Goodman's order of May 28. We produced

7 them on June 4 along with the privilege log that we

8 produced on June 9 of this year. And we have advised

9 Mr. Klayman that we have documents that we have marked

10 as confidential. And we forwarded a proposed

11 protective order.

12 The parties could not reach agreement on

13 that protective order. We will be seeking a ruling

14 and an entry of that order from Magistrate Goodman who

15 unfortunately was not available this week to resolve

16 it. So in the meantime we have asked Mr. Klayman to

17 stipulate that the parties may designate portions of

18 the deposition to be confidential and that certain

19 documents produced and marked as confidential will be

20 held as confidential, available only to the parties

21 and their counsel and for use only in this litigation

22 unless the court -- pending a court ruling otherwise.

23 Do you agree to that stipulation,

24 Mr. Klayman?

25 MR. KLAYMAN: No. I will tell you what I

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23 (Pages 89 to 92)

89	<p>1 assets?</p> <p>2 MS. HANDMAN: Objection. That assumes a</p> <p>3 fact not in evidence.</p> <p>4 THE WITNESS: There is quite a bit of</p> <p>5 controversy over what actually happened in that</p> <p>6 episode, whether or not Vice President Cheney actually</p> <p>7 ever gave that order. It is not established one way</p> <p>8 or the other in the -- if you look at all of the</p> <p>9 histories of 911 what actually happened in terms of</p> <p>10 the vice president. Well he was at the White House</p> <p>11 and the president was traveling. I've never seen a</p> <p>12 conclusive timeline on whether or not</p> <p>13 Vice President Cheney ever actually gave such an</p> <p>14 order.</p> <p>15 Q No, I'm not asking whether they gave an</p> <p>16 order. I'm asking did they have the authority to do</p> <p>17 so, the president has the authority to do so?</p> <p>18 A I think that is in dispute too. I think</p> <p>19 that was one of the points that was raised in this</p> <p>20 meeting that I describe in the book. It was a</p> <p>21 question, do we -- there was some thought that maybe</p> <p>22 there was some new authorities that he had that he</p> <p>23 didn't have previously. There was a discussion about</p> <p>24 it. That was the point. There was a discussion about</p> <p>25 whether he could shoot down planes.</p>	91	<p>1 Trade Center and.</p> <p>2 MR. KLAYMAN: I'm asking --</p> <p>3 MS. HANDMAN: What is this about,</p> <p>4 Mr. Klayman? Do you really want to waste your seven</p> <p>5 hours with going over the history of 911?</p> <p>6 MR. KLAYMAN: Like I said, Ms. Handman, the</p> <p>7 time that I ask you for help with my client is the I</p> <p>8 quit as a lawyer.</p> <p>9 BY MR. KLAYMAN:</p> <p>10 Q Please answer the question.</p> <p>11 A As I said, I believe there is some kind --</p> <p>12 the question about the actual authority of the</p> <p>13 president in those circumstances, I don't know what</p> <p>14 the law is today. But as I said I described in the</p> <p>15 chapter how there was a discussion about whether or</p> <p>16 not this could happened.</p> <p>17 MR. KLAYMAN: We can take a break now.</p> <p>18 THE VIDEOGRAPHER: We are going off of the</p> <p>19 record. The time is 10:35.</p> <p>20 (The proceedings recessed from 10:35 a.m. to</p> <p>21 10:50 a.m.)</p> <p>22 THE VIDEOGRAPHER: This marks the beginning</p> <p>23 of tape number 2. We are going back on the record.</p> <p>24 The time is 10:50.</p> <p>25 MS. HANDMAN: And we are producing the</p>
90	<p>1 Q Are you saying in a national emergency such</p> <p>2 as September 11th, the president of the United States</p> <p>3 as commander and chief, does not have the authority to</p> <p>4 order that airlines approaching, airliners approaching</p> <p>5 the White House, Pentagon, World Trade Center, that he</p> <p>6 can't give an order to shoot down that plane?</p> <p>7 MS. HANDMAN: Totally irrelevant to the</p> <p>8 purpose of this deposition. And he has been asked and</p> <p>9 answered this question. He is not a lawyer. This is</p> <p>10 not about the history of shooting down planes. And</p> <p>11 he's answered what he has written in the book and --</p> <p>12 MR. KLAYMAN: Speaking objection. Certified</p> <p>13 this for sanctions.</p> <p>14 (This portion is marked at Attorney</p> <p>15 Klayman's request)</p> <p>16 MS. HANDMAN: Yes. And certify the fact</p> <p>17 that you are going down tangents that are totally</p> <p>18 irrelevant.</p> <p>19 MR. KLAYMAN: That is not for you to decide.</p> <p>20 And you will have an opportunity if you try to keep</p> <p>21 this out of a trial to do so. So answer the question.</p> <p>22 MS. HANDMAN: He has answered it already.</p> <p>23 MR. KLAYMAN: He has not. I'm talking about</p> <p>24 authority not what happened.</p> <p>25 MS. HANDMAN: You are asking about the World</p>	92	<p>1 documents that we've stamped as confidential that</p> <p>2 include the publishing agreement that you agreed to</p> <p>3 keep confidential and some additional documents. We</p> <p>4 un-redacted certain references but stamped it</p> <p>5 confidential for purposes of this litigation and</p> <p>6 subject to the stipulation that we put on the record</p> <p>7 in the beginning.</p> <p>8 MR. KLAYMAN: Thank you.</p> <p>9 MS. HANDMAN: And we had the original</p> <p>10 notes -- are you finished.</p> <p>11 MR. KLAYMAN: No, I'm not. I have some</p> <p>12 questions.</p> <p>13 MS. HANDMAN: You do have copies that about</p> <p>14 produced on June 4th.</p> <p>15 MR. KLAYMAN: I'm aware of that.</p> <p>16 BY MR. KLAYMAN:</p> <p>17 Q I returning to Risen Exhibit 1. With regard</p> <p>18 to Negroponte the reference to that, what information</p> <p>19 did you receive from Eric Lichtblau about Negroponte?</p> <p>20 A As I said, this was an initial email when we</p> <p>21 were first starting to work on the story I think. We</p> <p>22 may have worked on it before this. I don't really</p> <p>23 recall anything coming out of this email. I think we</p> <p>24 just -- the main thing, as I said before the main</p> <p>25 thing we got was a lot of the documents that led us to</p>

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<p>1 count. Thank you. Deposition for this is adjourned 2 at this time. Thank you.</p> <p>3 THE VIDEOGRAPHER: This marks the end of the 4 video taped deposition of James Risen. We're going 5 off of the record. The time is 6:32.</p> <p>6 (Whereupon, at 6:32 p.m., the above 7 proceedings was adjourned.)</p> <p>8 MR. KLAYMAN: Back on the record. Here's 9 what we've agreed to do, is that plaintiff's counsel 10 will take custody of the original deposition exhibits 11 with the exception of Exhibit 5, which will stay in 12 the custody of defense counsel with their agreement 13 not to alter it in anyway, as it is a court document. 14 And that once copies are made by the court reporter to 15 attach to the transcript, that the originals of the 16 other deposition exhibits herein will be sent to 17 plaintiff's counsel. And we will keep them.</p> <p>18 And in addition we've agreed that the entire 19 transcript, for the time being, can be designated as 20 confidential. But that once that deposition 21 transcript is provided that defense counsel have ten 22 day to justify those confidential portions. And not 23 just in terms of designation, but to justify it with 24 the court that they are confidential. That's what 25 we've agreed.</p>	<p>1 REPORTER'S CERTIFICATE</p> <p>2 I, DONNA M. LEWIS, RPR, Certified Shorthand</p> <p>3 Reporter before whom the foregoing deposition was 4 taken, do hereby certify that the foregoing transcript 5 is a true and correct record of the testimony; that 6 said testimony was taken by me stenographically and 7 thereafter reduced to typewriting under my direction; 8 that review was not requested; and that I am neither 9 counsel for, related to, nor employed by any of the 10 parties to this case and have no interest, financial 11 or otherwise, in its outcome.</p> <p>12 IN WITNESS WHEREOF, I have hereunto set my 13 hand and affixed my notarial seal this 1st day of 14 July, 2015.</p> <p>15</p> <p>16 My commission expires: March 14, 2018</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
406	
<p>1 MS. HANDMAN: And the video will be 2 similarly maintained as confidential until...</p> <p>3 MR. KLAYMAN: Correct. I've asked the court 4 reporter -- the videographer. He has agreed to give 5 me a copy of the video in the next 24 hours. Okay? 6 Was that acceptable, Mr. Videographer?</p> <p>7 THE VIDEOGRAPHER: Yeah, they should be able 8 to do that.</p> <p>9 MR. KLAYMAN: Let me have, actually, two 10 copies of that.</p> <p>11 MS. HANDMAN: We will have the video also, 12 please. Can we go off the record now, Mr. Klayman?</p> <p>13 MR. KLAYMAN: Ms. James says: Where is the 14 last exhibit? What was the last exhibit?</p> <p>15 MS. JAMES: I'm asking you.</p> <p>16 THE COURT REPORTER: The last exhibit was 17 19.</p> <p>18 MS. HANDMAN: Nineteen.</p> <p>19 MR. KLAYMAN: Okay. And we have that. And 20 that's over there in that pile. Correct? Just want 21 make sure we have everything.</p> <p>22 MS. HANDMAN: It's right there.</p> <p>23 MR. KLAYMAN: Okay. Good.</p> <p>24 (Whereupon, at 6:36 p.m., the above 25 proceeding was adjourned.)</p>	

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